

### REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. By this Amendment, claims 1, 8, 9, 12, 15, 21, 22, and 24 are amended.

#### Rejections Under 102(a)

Claims 1-7, 9-13, and 15-26 stand rejected under 35 USC §102(a) as being anticipated by O'Neill et al. ("O'Neill")(U.S. Publication 2002/0191593).

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. These rejections are respectfully traversed based upon the amendments to claims 1, 12, 15, and 24 that clarify wherein the apparatus and methods are configured to break and make network connections based upon a recited sequence.

Accordingly, Applicant respectfully submits that the O'Neill fails to teach or suggest all of Applicant's amended claim elements.

First, amended claim 1 recites "breaking at least a portion of the first network connection; and then establishing a second network connection between the mobile computing device and the data source within the foreign network." O'Neill does not disclose or suggest the claimed two step process.

The Examiner asserts that O'Neill discloses not using voice data in the event SIP is not utilized, and further asserts on page 3 of the Office Action, that not using voice data is equivalent to the terminology breaking. Applicant respectfully disagrees, and submits that not using voice data is not the same as breaking at least a portion of the first connection, as recited in claim 1. Applicant submits that one of ordinary skill in the art would understand that breaking a connection involves more than not using a voice connection, for example, freeing up resources and modifying status indicators. Simply not using a connection fails to suggest breaking down a connection, as recited by the Applicant. Accordingly, O'Neill fails to disclose at least this

feature of claim 1.

Furthermore, notwithstanding the failure of O'Neill to disclose "breaking" at least a portion of the first connection, O'Neill fails to disclose subsequently establishing a second network connection. Support for the claimed sequence of steps is not only provided at page 12, lines 4-23 of the specification, but is also support by the language of claim 20. Accordingly, the claimed sequence is not a new issue requiring additional search or consideration.

Based upon the above argument, the rejection of claim 1 over O'Neill is improper, and withdrawal of the rejection of claim 1 is respectfully requested.

Independent claims 9, 12, 15, 20, 21, 22, and 24 are similar to claim 1 in that the feature of breaking a first connection and the establishing of a second connection are done in sequence. According, these claims are likewise allowable over O'Neill. Claims 2-7, 10, 11, 13, 16-19, 23, and 25-26 depend variously from these independent claims and are likewise patentable over O'Neill at least for their dependence on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection over O'Neill is respectfully requested.

#### **Rejections Under 103(a)**

Claims 8 and 14 stand rejected under 35 USC §103(a) as being unpatentable over O'Neill in view over Shoaib et al. ("Shoaib")(U.S. Publication 2003/0193910).

Regarding claims 8 and 14, the Examiner admits that O'Neill fails to disclose teaching an assessment of bandwidth on the foreign network and relies upon Shoaib to remedy the deficiencies of O'Neill. Applicant respectfully disagrees and submits that, as presented above, O'Neill fails to disclose all elements of independent claims 1 and 12, from which claims 8 and 14 depend. Accordingly, claims 8 and 14 are likewise allowable over the combination of O'Neill and Shoaib. Withdrawal of the rejection of claims 8 and 14 under 103(a) over the asserted combination is respectfully requested.

**Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

**Wassim HADDAD**

A handwritten signature in black ink that reads "Kenneth M. Berner". The signature is written in a cursive style with a large, stylized 'K' and 'B'.

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